

**2011 Jr-1 DRAFTING REQUEST**

**Senate Amendment (SA-SB1)**

Received: 01/18/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Mark Miller (608) 266-9170

By/Representing: John Anderson

May Contact:

Drafter: tkuczens

Subject: Courts - civil procedure  
Courts - costs and fees  
Courts - courts/judges/commsrs  
Courts - evidence

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Miller@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Provide appropriation to permit district attorneys to request additional positions to handle additional workload generated by changes to rules of evidence governing witnesses

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 01/18/2011	csicilia 01/18/2011		_____			
/1			rschluet 01/18/2011	_____	lparisi 01/18/2011	lparisi 01/18/2011	

FE Sent For:

<END>

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/?	tkuczens	/	js 1/18 11				

FE Sent For:

<END>

## Kuczenski, Tracy

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**From:** Hurley, Peggy  
**Sent:** Tuesday, January 18, 2011 9:35 AM  
**To:** Kuczenski, Tracy  
**Subject:** FW: SSSB 1, Tort Reform Bill amendments draft requests from Sen. Miller

**Importance:** High

More info!

Do you want to do either or both of these?

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**From:** Anderson, John  
**Sent:** Tuesday, January 18, 2011 9:29 AM  
**To:** Hurley, Peggy  
**Subject:** FW: SSSB 1, Tort Reform Bill amendments draft requests from Sen. Miller  
**Importance:** High

Peggy,

1) Provide \$1 million to the Joint Committee on Finance appropriation from which the DA of any county may request additional position authority to deal the increase in contested hearings under the provisions modifying Wisconsin Statutes sections 907.01 and 907.02; 2) provide \$1 million to the joint committee on finance appropriation from which any County court may request \$ for new evidence rules hearings.

I combined #1 and #2 below into one amendment. At least I believe I did.

Thanks, Peggy. 6-9170.

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**From:** Anderson, John  
**Sent:** Tuesday, January 18, 2011 8:41 AM  
**To:** Hurley, Peggy  
**Subject:** SSSB 1, Tort Reform Bill amendments draft requests from Sen. Miller  
**Importance:** High

Good morning, Peggy. Here are the draft requests I just called about. Thank you. John Anderson

amendment request:

- Give DA's additional position authority to deal with new evidence standards language (see DA fiscal estimate letter to Zipperrer 1/11/11)
- Authorize additional \$ for expert witness accounts in DA offices (see DA fiscal estimate letter to Zipperrer 1/11/11)
- Give county courts + state courts additional resources for new evidence rules hearings (see DA letter to Zipperrer re: sections 33-38 1/11/11)
- Require audit bureau study of additional burden on local prosecutors and courts caused by new mandates
- Exempt law enforcement officers from expert witness testimony requirements
- Exempt social workers, and sexual assault nurses from expert witness standards (see DA letter to Zipperrer re: sections 33-38 1/11/11)
- Exemptions for prosecutions of sexually violent persons, family court and restraining order hearings from expert witness testimony provisions (see DA letter to Zipperrer re: sections 33-38 1/11/11)
- Maintain current law related to criminal penalties for abuse or neglect of patients in health care facilities (See Leg council memo 1/10/11 on SS SB 1 p 14)
- Cap the punitive damages to 3 times the compensatory damages rather than the 2X in the Zipperer

amendment.

John Anderson  
Office of Sen. Mark Miller  
Senate Democratic Leader  
608-266-9170



State of Wisconsin  
 2011 - 2012 LEGISLATURE  
 January 2011 Special Session

a0123/1



LRBa0115/1

TKK:cjs:rs

RANIR  
 stays insert

SENATE AMENDMENT,  
 TO SENATE BILL 1

4/18/11  
 now

Insert 1-2

1 At the locations indicated, amend the bill as follows:

2 1. Page 30, line 6: after that line insert:

3 "SECTION 44g. Nonstatutory provisions.

4 (1) REQUESTS FOR DEPUTY AND ASSISTANT DISTRICT ATTORNEY POSITION  
 5 AUTHORIZATIONS.

6 (a) The district attorney of any prosecutorial unit, as described under section  
 7 978.01 (1) of the statutes, may submit a written request to the department of  
 8 administration specifying the need for additional deputy district attorneys and  
 9 assistant district attorneys in the prosecutorial unit in order to manage additional  
 10 workload generated by expert witness hearings held pursuant to section 907.02 of  
 11 the statutes, as affected by this act. The written request shall specify the number  
 12 of additional deputy district attorneys and assistant district attorneys requested.

13 Upon receipt of a request from a district attorney under this subsection, the

2  
 paragraph

1 department of administration shall submit to the joint committee on finance a  
2 request to supplement the appropriation account under section 20.475 (1) (d) of the  
3 statutes for the purpose of increasing the number of deputy district attorney and  
4 assistant district attorney positions authorized in a prosecutorial unit in order to  
5 manage additional workload generated by expert witness hearings held pursuant to  
6 section 907.02 of the statutes, as affected by this act.

7 (b) If the cochairpersons of the joint committee on finance do not notify the  
8 secretary of administration within 14 working days after receiving the request under  
9 paragraph (a) that the cochairpersons have scheduled a meeting for the purpose of  
10 reviewing the request, the appropriation account under section 20.475 (1) (d) of the  
11 statutes shall be supplemented from the appropriation account under section 20.865  
12 (4) (a) of the statutes, as provided in the request, and the number of deputy district  
13 attorney and assistant district attorney positions shall be increased by the number  
14 requested. If, within 14 working days after receiving the request, the cochairpersons  
15 notify the secretary that the cochairpersons have scheduled a meeting for the  
16 purpose of reviewing the request, the appropriation account under section 20.475 (1)  
17 (d) of the statutes may be supplemented from the appropriation account under  
18 section 20.865 (4) (a) of the statutes, and the number of deputy district attorney and  
19 assistant district attorney positions may be increased, only as approved by the  
20 committee. Notwithstanding section 13.101 (3) of the statutes, the committee is not  
21 required to find that an emergency exists prior to supplementing the appropriation  
22 account under section 20.475 (1) (d) of the statutes.

23 **SECTION 44r. Fiscal changes.**

24 (1) DEPUTY AND ASSISTANT DISTRICT ATTORNEY POSITIONS. In the schedule under  
25 section 20.005 (3) of the statutes for the appropriation to the joint committee on

1 finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 2011,  
2 the dollar amount is increased by \$1,000,000 for the first fiscal year of the fiscal  
3 biennium in which this subsection takes effect for the purpose of increasing the  
4 number of deputy district attorney and assistant district attorney positions  
5 authorized in a prosecutorial unit, as described under section 978.01 (1) of the  
6 statutes, in response to requests submitted under SECTION 44g of this act.”.

7 **2.** Page 31, line 3: delete lines 3 to 5 and substitute:

8 **“SECTION 46m. Effective dates.** This act takes effect on the first day of the 2nd  
9 month beginning after publication, except as follows:

10 (1) SECTIONS 44g and 44r of this act take effect on the first day of the 2nd month  
11 beginning after publication, or on the 2nd day after publication of the 2011–13  
12 biennial budget act, whichever is later.”.

13 (END)

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0123/?ins  
TKK:.....

1

**Insert 1-2**

2

**1.** Page 2, line 3: delete “and punitive” and substitute “punitive”.

3

**2.** Page 2, line 4: after “awards” insert “; and making an appropriation”.